

AMENDED IN ASSEMBLY MAY 13, 1999  
AMENDED IN ASSEMBLY APRIL 26, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 942**

**Introduced by Assembly Member Dutra**

February 25, 1999

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An act to amend ~~Section 17980.6~~ *Sections 17980 and 17980.6* of the Health and Safety Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Dutra. State Housing Law: enforcement.

~~The~~

(1) *The* State Housing Law authorizes a city or county enforcement agency to issue an order or notice to repair a building to the owner if the building is maintained in a manner that violates any provisions of this act, the building standards published in the State Building Standards Code, or any other rule or regulation promulgated pursuant to the act, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered.

This bill would require that a copy of the order or notice be posted in a conspicuous place on the property and that the order or notice contain specified information. By increasing the duties of local enforcement officials, the bill would impose a state-mandated local program.

~~The~~

(2) Existing law also requires that tenants in a residential building be provided notice of any violation of the provisions specified in (1) above that affects the health and safety of the occupants and renders the building untenable, as well as be provided notice of an order of the code enforcement agency issued after inspection declaring a dwelling substandard, an enforcement agency's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order of an enforcement agency. This notice may be provided either by first-class mail to each affected unit or by posting a copy of the notice in a prominent place on the affected residential unit.

This bill instead would require this notice to be provided by posting a copy of the notice in a conspicuous place on the property.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17980 of the Health and Safety  
2 Code is amended to read:  
3 17980. (a) If any building is constructed, altered,  
4 converted, or maintained in violation of any provision of,  
5 or of any order or notice giving a reasonable time to  
6 correct that violation issued by an enforcement agency  
7 pursuant to, this part, the building standards published in

1 the California Building Standards Code, or other rules  
2 and regulations adopted pursuant to this part, or if a  
3 nuisance exists in any building or upon the lot on which  
4 it is situated, the enforcement agency shall, after 30 days'  
5 notice to abate the nuisance, institute any appropriate  
6 action or proceeding to prevent, restrain, correct, or  
7 abate the violation or nuisance.

8 (b) (1) Whenever the enforcement agency has  
9 inspected or caused to be inspected any building and has  
10 determined that the building is a substandard building,  
11 the enforcement agency shall commence proceedings to  
12 abate the violation by repair, rehabilitation, vacation, or  
13 demolition of the building. The enforcement agency shall  
14 not require the vacating of a residential building unless  
15 it concurrently requires expeditious demolition or repair  
16 to comply with this part, the building standards published  
17 in the California Building Standards Code, or other rules  
18 and regulations adopted pursuant to this part. The owner  
19 shall have the choice of repairing or demolishing.  
20 However, if the owner chooses to repair, the enforcement  
21 agency shall require that the building be brought into  
22 compliance according to a reasonable and feasible  
23 schedule for expeditious repair. The enforcement agency  
24 may require vacation and demolition or may itself vacate  
25 the building, repair, demolish, or institute any other  
26 appropriate action or proceeding, if any of the following  
27 occur:

28 (A) The repair work is not done as scheduled.

29 (B) The owner does not make a timely choice of repair  
30 or demolition.

31 (C) The owner selects an option which cannot be  
32 completed within a reasonable period of time, as  
33 determined by the department, for any reason, including,  
34 but not limited to, an outstanding judicial or  
35 administrative order.

36 (2) In deciding whether to require vacation of the  
37 building or to repair as necessary, the enforcement  
38 agency shall give preference to the repair of the building  
39 whenever it is economically feasible to do so without  
40 having to repair more than 75 percent of the dwelling, as

1 determined by the enforcement agency, and shall give  
2 full consideration to the needs for housing as expressed in  
3 the local jurisdiction's housing element.

4 (c) (1) Notwithstanding subdivision (b) and  
5 notwithstanding local ordinances, tenants in a residential  
6 building shall be provided notice of any violation  
7 described in subdivision (a) which affects the health and  
8 safety of the occupants and which violates Section 1941.1  
9 of the Civil Code, an order of the code enforcement  
10 agency issued after inspection of the premises declaring  
11 the dwelling to be substandard, the enforcement  
12 agency's decision to repair or demolish, or the issuance of  
13 a building or demolition permit following the abatement  
14 order of an enforcement agency.

15 (2) Notice pursuant to this subdivision ~~may~~ *shall* be  
16 provided ~~either by first-class mail to each affected~~  
17 ~~residential unit, or by posting a copy of the notice in a~~  
18 ~~prominent place on the affected residential unit at the~~  
19 ~~discretion of the enforcement agency that issued the~~  
20 ~~order or notice, in the manner prescribed by subdivision~~  
21 ~~(a) of Section 17980.6.~~

22 (d) All notices issued by the enforcement agency to  
23 correct violations or to abate nuisances shall contain a  
24 provision notifying the owner that, in accordance with  
25 Sections 17274 and 24436.5 of the Revenue and Taxation  
26 Code, a tax deduction may not be allowed for interest,  
27 taxes, depreciation, or amortization paid or incurred in  
28 the taxable year.

29 (e) The enforcement agency may charge the owner of  
30 the building for its postage or mileage cost for sending or  
31 posting the notices required to be given by this section.

32 SEC. 2. Section 17980.6 of the Health and Safety Code  
33 is amended to read:

34 17980.6. (a) If any building is maintained in a manner  
35 that violates any provisions of this part, the building  
36 standards published in the State Building Standards Code  
37 relating to the provisions of this part, or any other rule or  
38 regulation promulgated pursuant to the provisions of this  
39 part, and the violations are so extensive and of such a  
40 nature that the health and safety of residents or the public

1 is substantially endangered, the enforcement agency may  
2 issue an order or notice to repair pursuant to this part and  
3 shall post a copy of the order or notice in a ~~conspicuous~~  
4 *conspicuous* place on the property. The order or notice  
5 shall include, but is not limited to, all of the following:

6 (1) The name, address, and telephone number of the  
7 agency that issued the notice or order.

8 (2) The date, time, and location of any public hearing  
9 or proceeding concerning the order or notice.

10 (3) Information that the ~~lessee~~ *lessor* cannot retaliate  
11 against a ~~lessor~~ *lessee* pursuant to Section 1942.5 of the  
12 Civil Code.

13 (b) If the owner does not correct the condition that  
14 caused the violation within a reasonable time after  
15 issuance of the notice or order, the enforcement agency  
16 may, in addition to any other remedies provided by law,  
17 seek the remedies provided for in Section 17980.7 if the  
18 court finds the owner responsible for a violation of this  
19 part and orders repairs as part of a civil or criminal  
20 judgment against the owner, or in a stipulation to a  
21 judgment by the owner which includes provisions  
22 governing repairs.

23 SEC. 2. Notwithstanding Section 17610 of the  
24 Government Code, if the Commission on State Mandates  
25 determines that this act contains costs mandated by the  
26 state, reimbursement to local agencies and school  
27 districts for those costs shall be made pursuant to Part 7  
28 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the  
30 claim for reimbursement does not exceed one million  
31 dollars (\$1,000,000), reimbursement shall be made from  
32 the State Mandates Claims Fund.